GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S.- PRED - Sri B.Gangadhar, Assistant Executive Engineer (PR) of Zone-II – Unauthorised absence from duties - Article of charges issued - Written Statement of Defence received – Charged partly proved in the Enquiry - Explanation received - Imposition of major penalty of withholding of (2) annual grade increments with cumulative effect under Rule 9 (vi) of A.P.C.S (CC&A) Rules, 1991 - Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.RT.No. 599 **Dated: 26-10-2020**

Read the following

1. Memo No.Vig. II(2)/10823/2013, dt.4.2.2014 of ENC, PR.
2. Written Statement of defence of Sri B. Gangadhar, AEE(PR), Dt: 26.5.2014.
3. Procs.No. Vig. II(2)/10823/2013, dt.31.05.2014 of ENC, PR.
4. Lr.Rc.No.948/Supdt/204, dt.6.4.2015 of the S.E., PR, Kakinada.
5. Memo No. Vig. II(2)/10823/2013, dt.25.4.2017 of ENC, PR.
6. Lr.Rc.No.948/Supdt./2014, dt.13.6.2017 of S.E., PR, Kakinada.
7. Memo No.Vig. II(2)/10823/2013, dt.2.8.2017 of ENC, PR.
8. Lr.Rc.No.Supdt./948/2014, dt.12.9.2017 of S.E., PR, Kakinada along with representation of Sri B.Gangadhar, AEE (PR) dt.28.8.2017.
9. Memo No. Vig. II(2)/10823/2013, dt.6.12.2017 of ENC, PR.
10. Lr.Rc.No.Supdt./948/2014, dt.6.1.2018 of S.E., PR, Kakinada along with representation of Sri B.Gangadhar, AEE (PR) dt.28.12.2017.
11. Memo.No. Vig. II/10823/2013, dt.26.03.2019 of ENC, PR.
12. Lr.Rc.No.Supdt./948/2014, dt.28.3.2019 of S.E., PR, Kakinada.
13. From ENC, PR, AP, Vijayawada, Lr.No.Vig.II/10823/2013, Dt.23.05.2019.
14. Govt. Letters NO. 3753/Vig. I/2019, Dated: 20.08.2019 & Dated: 24.10.2019 of PR&RD (Vig. I) Dept.,
15. From the Secretary, APPSC, Letter No.469/DC&C/2019, dated: 25.08.2020.

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ORDER:

In the reference 13th read above, the Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada has submitted report and informed that Sri B.Gangadhar, Assistant Executive Engineer (PR),

P.T.O.,

while working at Vigilance & Quality Control Sub-Division, Mahaboobnagar, was initially applied leave w.e.f 08.02.2007 to 18.05.2007 (100 days) and the same was sanctioned. After expiry of leave, the individual did not report to duty and was absented to duties unauthorisedly w.e.f. 19.5.2007. Subsequently, the individual was repatriated to Zone-II and joined at PR Circle Office, Kakinada, East Godavari District on 28.10.2013. In view of the above, in the reference 1st read above, their office framed following article of charge against Sri B. Gangadhar, A.E.E (PR), Kakinada :

Charge:

That the said Sri B.Gangadhar, AEE has initially applied leave for (100) days w.e.f. 8.2.2007 to 18.5.2007 and after expiry of leave he was unauthorisedly absented from his duties w.e.f. 19.5.2007 and failed to obtain prior permission for sanction of leave from the competent authority. Thus he has violated Rule 3 of APCS(Conduct) Rules 1964..

2. The Engineer-in-Chief, Panchayat Raj has stated that the Charged Officer has submitted his written statement of defence and after examination, in the reference 3rd read above, their Office issued orders appointing the Superintending Engineer, PR, Kakinada as Inquiring Authority to conduct inquiry into the matter. The Executive Engineer, PR, PR, Kakinada was appointed as the Presenting Officer to present case. The Inquiry Officer has submitted inquiry report dt: 06.04.2015 duly mentioning that "it is evident that the C.O. was admitted in the hospitals during certain periods and the C.O. has also attended the hospitals in certain periods for further checkup as outpatient. The E.O has concluded the inquiry report to award a minor penalty against the charged officer for the unauthorized absence.

3. The ENC, PR has stated that, the Inquiry Officer has not given specific finding whether charge proved or not proved against the C.O. As such, in the reference 5th read above, their office has requested the Superintendent Engineer, Panchayat Raj, Kakinada & Inquiry Officer to furnish specific report strictly following APCS (CC&A) Rules, 1991. Accordingly, in the reference 6th read above, the Inquiry Officer has furnished report and held that charges are held partly proved against the charged officer.

4. The Engineer-in-Chief, Panchayat Raj has stated that copy of the inquiry report has been communicated to the charged officer for his written representation and the charged officer has submitted his explanation dt:28.08.2017 stating that due to health problems of himself and his wife, he could not report to duty in time and requested to consider the delay in reporting to duty on humanitarian grounds.

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5. The Engineer-in-Chief, Panchayat Raj has stated that, after examination of the matter, it has been decided to impose a major penalty of 'removal' of the charged officer from the service. Accordingly, in the reference 9th read above, their office have issued show-cause notice calling for the representation of the charged officer on the above. The charged Officer has submitted his representation dt:28.12.2017 stating that the Enquiry Officer after considering the medical reports etc., has given findings holding that charge framed against him was partly proved. But the proposed penalty of 'removal' is a major penalty and not justifiable on the natural justice and requested to reconsider the same on humanitarian grounds.

6. The Engineer in Chief, Panchayat Raj, has stated that, upon such representation, their office vide reference 11th read above, have requested the Superintendent Engineer, Panchayat Raj Kakinada to submit a performance report in respect of the Charged Officer from the date of his joining in P.R. Circle, Kakinada. In the reference 12th read above, the Superintendent Engineer, Panchayat Raj, Kakinada submitted report stating that he has found that there is no adverse remarks against the individual and his performance is satisfactory.

7. The Engineer-in-Chie, Panchayat Raj has stated that, after examination of the entire matter, it has been decided to reduce the punishment of 'removal from service' to that of withholding of (2) two annual grade increments with cumulative effect on the charged officer. The ENC,PR while mentioning the above details of the case, has requested the Government to take further action in the matter ie., to impose the major penalty of withholding of (2) two annual grade increments with cumulative effect on the charged officer in consultation with the A.P. Public Service Commission.

8. Government after examination of the matter, have decided to impose the penalty of withholding of two (2) annual grade increments with cumulative effect against Sri B. Gangadhar, Assistant Executive Engineer, PR, Zone-II duly treating the unauthorized absence period of charged officer from 19.05.2007 to 27.10.2013 (2354 days) as Dies-Non under FR-18 against the Charged officer for his unauthorized absence. Accordingly, in the reference 14th read above, Secretary, A.P. Public Service Commission have been addressed for their concurrence.

9. In the reference 15th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty against the charged officer besides treating the above unauthorized absence period as Dies-Non under FR-18 and advised to take action accordingly.

P.T.O.,

10. Government, after careful examination of the matter, hereby impose the punishment of withholding of two (2) annual grade increments with cumulative effect against Sri B. Gangadhar, Assistant Executive Engineer, PR, Kakinada, East Godavari District, Zone-II under Rule 9 (vi) of A.P.C.S (CC&A) Rules, 1991, duly treating the unauthorized absence period of charged officer from 19.05.2007 to 27.10.2013 (2354 days) as Dies-Non under FR-18.

11. The Engineer-in-Chef, Panchayat Raj, A.P, Vijayawada shall take necessary further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri B. Gangadhar, Assistant Executive Engineer, PR, Kakinada, E.G. District
through Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer in Chief, Panchayat Raj, Andhra Pradesh, Vijayawada (with a request to serve the order on the individual and furnish the dated acknowledgment copy)

Copy to:
The Secretary, A.P. Public Service Commission, Vijayawada.
The P.R. & R.D (Estt.I) Department.
Sf/Sc.

//FORWARDED::BY::ORDER//

SECTION OFFICER